



## **Press Release**

### **National Labor Relations Board**

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#### **NLRB issues first decisions involving returned two-member cases**

*Also posts database of all two-member Board decisions with status updates*

The National Labor Relations Board today issued its first decisions in cases that were returned to it by the federal courts of appeals following a Supreme Court ruling that the Board was not authorized to decide cases when it had only two members, Chairman Wilma Liebman and Member Peter Schaumber.

Also today, the Agency made public a database of all contested cases that were decided by the two-member Board. The list of cases, available [here](#) and via the Agency website at [www.nrlrb.gov](http://www.nrlrb.gov), includes links to original documents and case status updates that will be refreshed daily. A full data set of all the cases is also available in xml format for download.

From January 2008 to April 2010, the Board operated with three of its five seats vacant. During that 27-month period, the two remaining members issued nearly 600 decisions. On June 17, a divided Supreme Court ruled that the two-member Board was not authorized to issue decisions.

Since then, dozens of the two-member decisions that had been challenged in federal appellate courts have been returned to the Board for new consideration.

Meanwhile, hundreds of the other two-member cases were closed through compliance with the original Board decision, settlement, withdrawal or other means. Still more are in some stage of litigation or compliance stemming from the original decision. It is unclear how many of those rulings can or will be contested.

The four decisions issued today were in cases that had been pending in federal appeals courts at the time of the Supreme Court decision, and were returned to the Board.

The cases are: *SPE Utility Contractors, LLC*, 7-CA-50767 (unlawful discharge); *Chrysler, LLC*, 7-CA-51553 (refusal to provide information); *ADF, Inc.*, 1-CA-45068 (repudiation of collective bargaining agreement and withdrawal of recognition); and *Regal Health and Rehabilitation Center*, 13-CA-44481, et al. (unlawful conduct during organizing campaign, with bargaining order granted).

The Board is now at full strength with five members. As described in an [earlier press release](#), each case returned to the Board will be considered by a three-member panel which will include Chairman Liebman and Board Member Schaumber. Consistent with Board practice, the two other Board members not on the panel will have the opportunity to participate in the case if they so desire.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

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